

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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| <b>UNITED STATES OF AMERICA,</b><br><br><div style="text-align: center;"><b>Plaintiff,</b></div><br><br><div style="text-align: center;"><b>vs.</b></div><br><br><b>ERIC GERLACH,</b><br><br><div style="text-align: center;"><b>Defendant.</b></div> | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | <b>8:05CR404</b><br><br><br><br><br><br><br><br><br><br><br><b>ORDER</b> |
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This matter is before the court on the joint motion of the United States and the defendant Eric Gerlach (Gerlach) for a psychiatric evaluation pursuant to 18 U.S.C. § 4241. The motion was made during a hearing on a Petition for Action on Conditions of Pretrial Release on January 3, 2006. Appearing at the hearing were Gerlach, his counsel, Richard L. Alexander, and Assistant U. S. Attorney Michael P. Norris. The Pretrial Services Violation Report established a basis to question the competency of Gerlach to stand trial in this matter. The request for a psychiatric evaluation will be granted.

**IT IS ORDERED:**

1. The joint motion for a psychiatric evaluation of Gerlach is granted.
2. Pursuant to 18 U.S.C. § 4241, Gerlach is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time, not to exceed thirty (30) days, to determine whether Gerlach is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
3. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record at the completion of the period of examination.
4. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Gerlach to stand trial in this matter.

DATED this 3rd day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge